IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGEMENT NO.1130 OF 2003
IN
SUMMARY SUIT NO.3455 OF 2003

Reuters India P.Ltd. .. Plaintiffs

Vs.

Litolier Finance Ltd. .. Defendants

Mr.Padmaja Dholakia and Vandana Gupte i/b Dholakia Gupte and Co. for the Plaintiffs

Mr.N.Engineer i/b RMG Law Associates for the defendants

CORAM : S.U.KAMDAR, J
DATED : 31ST AUGUST, 2005

P.C.:

1. The present suit is filed on the basis of contract at Ex.A to the plaint. The said contract is for giving the services in respect of various software for the period of October 2000. The claim made in the present case is in respect of services given in the month of October 2000. However, in the correspondence which are annexed in the plaint itself there are letters of October 2000 and writings by the defendants raising various complaints. It seems that the defendants have

raised the contention that the services provided are of inferior nature and they have been facing lot of problems in operating the service system provided by the plaintiffs. It is the contention of the plaintiffs that pursuant to the said complaints Engineers attended the services and rectified the defaults. The second contention of the learned counsel for the plaintiffs is that the services were installed in different premises then place which was specified under the contract. Thus, they were unauthorizedly using the said system at the premises of Claridges Investments and Finance P.Ltd. and therefore they are not entitled to raise the issue as to the quality of services rendered of the Software supplied by the plaintiffs herein.

2. In my opinion, looking at the correspondence which is of the contemporaneous period interalia raising complaints that the services are of inferior qualities and that they are not able to satisfactorily operate the system. Defendant has raised dispute as to the liability of payment because according to them services were not

satisfactory and in fact they have terminated the said services on 1.11.00. In the aforesaid circumstances, I am of the opinion that triable issues arise in the present case. In view thereof, unconditional leave to defend is granted. Suit is to be transferred to the list of Commercial Causes. Written Statement or points of defence to be filed within four weeks from today. Affidavits, list of documents to be filed within four weeks thereafter. Inspection within four weeks thereafter. Suit to be on board of the learned Judge taking Commercial Causes.